IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 21370 of 2006(R)

PETITIONER:

ANANDAN,
ANANDA BHAVANAM, MARARIKULAM P.O.,
CHERTHALA.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
ALAPPUZHA, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ALAPPUZHA.

3. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY GOVERNMENT PLEADER SMT.D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 21370/2006

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS DATED 25.01.2006.

EXHIBIT P2: TRUE CPY OF THE APPEAL MEMORANDUM IN M.V.A.A.NO.135/06 DATED 01/03/2006.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 08.06.2006 IN M.V.A.A. NO.135/06.

//TRUE COPY//

P.S. TO JUDGE

P.R. RAMAN, J.

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W.P.(C) NO. 21370 OF 2006

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DATED THIS, THE 15TH DAY OF DECEMBER, 2006.

J U D G M E N T

Petitioner is a regular stage carriage operator on the route Cherthala - Alappuzha Railway Station. He sought for an extension of his service up to Erattakulangara via Coastal Area. According to him, there are only two services operating to Erattakulangara via Costal Area from Alappuzha side, and if the extension sought for is granted, it will be beneficial to the travelling public. But the Regional Transport Authority rejected his claim for variation stating that the permit was originally issued to meet the travelling facility of the public on the route Cherthala- Alappuzha Railway Station and the proposed variation will adversely affect the existing facility of the public and there is sufficient service on the proposed variation. Aggrieved thereby, petitioner preferred an appeal before the State Transport Appellate Tribunal which also ended in dismissal. Challenging the same, this writ petition is filed.

2. The files were called for. The learned counsel Sri. G. Prabhakaran

appearing on behalf of the petitioner, relying on para 6 of the writ petition, submitted that variation sought for could be granted without any reduction in the trip to Alappuzha Railway Station as the extension sought for is from Alappuzha Railway Station to Erattakulangara and there is a waiting time at the Railway Station for the trip from 8.10 a.m. to 8.32 a.m. and only 18 minutes more is given for that trip. For the next trip also, there is idling time from 11.53 a.m. to 12.45 p.m. Again there is idle time from 3.57 pm. to 4.28 p.m. According to the petitioner, even by granting the extended route without any cut in the trip, he will be able to run the bus.

3. Whether petitioner will be able to run the trips through the route to which permit is granted originally even if variation is granted by extending the route is purely a question of fact. Two authorities below have concurrently found that such extension will not be beneficial to the public. Learned counsel appearing on behalf of the respondent placed the file before me for perusal. The sketch is also produced. The total distance, if variation is allowed, comes to 15 kms. If the bus has to run for 15 kms. though from coastal line and to come back to Railway Station, necessarily it will take more than one hour in total. Therefore, the idling time will not

be sufficient within which he could complete the extended route and come back. In such circumstances, I do not find any merit in the contention.

Dismissed.

P.R. RAMAN,
(JUDGE)

knc/-